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C O N F I D E N T I A L SECTION 01 OF 02 MUSCAT 000607

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SUBJECT: OMAN RETURNS CONVICTIONS IN FIRST TIP CASE

REF: MUSCAT 201

CLASSIFIED BY: Victor Hurtado, DCM, Department of State, Embassy Muscat; REASON: 1.4(B), (D)

¶1. (C) Summary. Oman successfully prosecuted 11 men in its first TIP case under the new anti-TIP law and gave the 13 victims a choice to return home or remain in Oman. Poloff met on June 2 with Nasser al-Riyami, the Assistant Attorney General, and Ali Saif Al-Ma'mari, the public prosecution chief for Seeb, who prosecuted this case. They were eager to discuss the details of the case and patiently answered questions. End Summary.

Details of the Case

¶2. (C) According to al-Ma'mari, the case involved a group that had been operating since 2005. Women were brought into Oman from Algeria, Morocco and Syria as the wives of expatriates, using forged Syrian marriage licenses. After arrival in Oman, additional documents were forged to show the women were married to Omanis. Then the women were able to travel freely to Bahrain for one month at a time under the GCC free travel program. Each month the women returned to Oman to "reset" their visas and returned to Bahrain. In Bahrain, the women were provided to hotels and night clubs for sexual exploitation. Oman served as a transit point and logistical base for the operation.

¶3. (C) Earlier press reports (reftel) said that at least one of the defendants met the "public servant" clause of the anti-TIP law. Al-Riyami told the embassy that information was inaccurate; there were no officials involved in the case. However, he said one of the defendants has been employed by the Royal Oman Police (ROP) as a "tea boy," but that his involvement had nothing to do with his work. In fact, he had only been at the ROP for 8 months, whereas he had been involved in this crime since 2005.

¶4. (C) Press reports announced that Oman convicted 11 of 13 defendants on May 26, in the first case brought under the new anti-TIP law. Two defendants were acquitted, as there was insufficient evidence for a conviction according to al-Ma'mari. He said the two would be referred to labor court. All of those convicted received 7 years in prison and an OR 10,000 (US\$ 26,000) fine. The Omani defendants also had their commercial establishments confiscated and are forbidden to sponsor expatriate workers for a period of time. The foreign defendants will be permanently expelled from Oman once they finish their prison term.

¶5. (C) Further details given to the press were that defendants 1-11 were charged with TIP crimes based on Article 2 and 9 of the

anti-TIP law which al-Ma'mari clarified was based on the fact that the crime was transnational in nature, and there was a criminal gang involved. They received the minimum sentence and fine for conviction under article 9. Defendants 12-13 were charged with TIP crimes based on Articles 2, 4 and 9 of the anti-TIP law. The defendants were also charged with a variety of additional crimes under the Penal Code, Foreign Residency Law, and the Labor Law including giving false information on residency applications, forgery, assisting with forgery, using forged documents, allowing a sponsored employee work for someone else (for the Omanis), working for someone other than his sponsor (for the foreigners), possessing unlicensed radio equipment, and neglecting to renew residency. The defendants are to serve the sentence for the most severe crime, i.e., the trafficking offense.

Protection of Victims

¶6. (C) Al-Riyami emphasized that the "girls were victims." In what he described as "typical in a TIP crime," the accused had each woman sign two blank papers which were then used to force the women to transfer any money they made back to the group. According to al-Riyami, after the case concluded, the 13 victims were given a choice to return home or remain in Oman. 12 of the women have decided to return home and the Government of Oman gave them "pocket money" for their trip (OR 100 or USD\$260). The one remaining wishes to remain in Oman with her "husband." Since the marriage documents were forged, it was not clear to the public prosecution

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if they were really married or not. However, she claimed to be his "real" wife and have a child with him.

¶7. (U) Al-Riyami explained that of the 22 cases of prostitution prosecuted in 2008, the government of Oman's investigation revealed that the women's work was a "personal choice." He noted that although illegal in Oman, it would not meet the definition of trafficking.

Challenges in Prosecution

¶8. (C) Both interlocutors noted the difficulty in prosecuting the initial case under the new law as the prosecutors, attorney and judges were interpreting the law for the first time. Al-Ma'mari said that the defense argued that the activities were conducted before the TIP law was passed and therefore were not illegal at the time. The prosecution proved, however, that the activities were on-going after the law was passed. The Omanis asked the Syrians to verify the authenticity of the marriage certificates, however, in the end, the Omani forensic lab had to determine that they were forged. Al-Ma'mari also showed poloff pictures of numerous visa and immigration stamps found on a flash drive of the accused which were used to facilitate travel.

¶9. (C) Comment: This was a very complex case as an initial foray into prosecuting TIP crimes in Oman. The speed with which the case was pursued shows the seriousness with which the Omanis treat this crime. The public prosecution continued to ask for us to provide ideas and suggestions for improvement. End Comment.
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